

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MARIE TOOLE and CHRIS TOOLE,)

Plaintiffs,)

v.)

CASE NO. 2:06-cv-00652-MHT

MATTHEW CHUPP; DON BRAMLETT)

and ALFA INSURANCE COMPANY)

and fictitious defendants A-F,)

Defendants.)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come Now Matthew Chupp and Don Bramlett, two of the Defendants in the above-styled cause, who move this Court to grant summary judgment in their favor pursuant to Rule 56 of the *Federal Rules of Civil Procedure* on the grounds that there are no genuine issues of material fact to be submitted to a jury and these Defendants are entitled to the entry of judgment as a matter of law. In support of this motion, Defendants rely on the following:

1. Exhibit A - Copy of Plaintiff's Complaint
2. Exhibit B - Excerpts of the Deposition Testimony of Marie Toole.
3. Exhibit C - Excerpts of the Deposition Testimony of Matthew Chupp.
4. Exhibit D - Excerpts of the Deposition Testimony of Don Bramlett.
5. Memorandum Brief in Support of Defendants' Motion for Summary Judgement, filed contemporaneously with this motion.

Wherefore, based upon the foregoing, Defendants Matthew Chupp and Don Bramlett respectfully request that this Court grant their Motion for Summary Judgment and dismiss the Plaintiff's claims as a matter of law.

Respectfully Submitted this 5th day of January, 2007.

/s/ *Randall Morgan*

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been duly served by **electronic filing** and by placing a copy of same in the **U.S. Mail**, properly addressed and first class postage prepaid this the 5th day of January, 2007 upon the following:

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/s/ *Randall Morgan*

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